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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/058,274 | 01/30/2002 | Joe Teixeira | 19176.0031 | 2651 |

23517 7590 04/22/2005

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| EXAMINER |
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AL AUBAIDI, RASHA S

| ART UNIT | PAPER NUMBER |
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2642

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,274

Applicant(s)

TEIXEIRA, JOE

Examiner

Rasha S AL-Aubaidi

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

The second claim in the application was numbered as claim 3. That is, there is no claim 2 in the application. Examiner renumbered claims 3-10 as 2-9 respectively. See attached renumbered claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by King (US PAT # 6,301,351).

Regarding claim 1, King teaches a method of provisioning telecommunications services provided by competitive entities within a central office (central office 100, Fig.

Art Unit: 2642

6), comprising the steps of: providing a cross connect switch (the cross connect switch is 120, Fig. 6 and col. 4, line 14); providing a main distribution frame (DF 108, Fig. 6 and col. 4, lines 10-17) for coupling a plurality of subscriber terminals (telephones in Fig. 6) to the central office (100 in Fig. 6); coupling the cross connect switch (120, Fig. 6) to the main distribution frame (DF 108, see col. 4, lines 9-19 and Fig. 6), a telecommunications switch within a central office and at least two separately controlled pieces of service provider equipment (connector jack 110 and purchasing LEC interface 104), each piece of equipment having multiple ports coupled to the cross connect switch (this is inherent, only one port is shown in Fig. 6); providing a remote server (the remote server reads on the purchasing LEC switch 130, which controls transferring the service, see col. 4, lines 5-7, lines 33-38 and 50-63) for creating interconnections between a specified port of one piece of service provider equipment and a specified port of another piece of service provider equipment.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4 and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Renucci et al (US PAT # 6,512,762).

Regarding claim 2, King does not specifically teach each piece of service provider equipment comprises a DSLAM.

However, Renucci teaches DSLAM 26, which communicates data packets between data switch 24 and IAD 30 using DSL technology (see col. 6, lines 50-51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of using a digital subscriber line access multiplexer (26 DSLAM), as taught by Renucci, into the King system in order to provide faster data transmission.

Regarding claim 3, Renucci teaches the DSLAM provides SDSL service (see col. 6, lines 55-59).

Regarding claim 4, Renucci teaches the DSLAM provides ADSL service (see col. 6, lines 55-58).

Regarding claim 6, Renucci teaches the DSLAM provides HDSL service (see col. 6, lines 55-59).

Claims 7-8 recite "the DSLAM provides VoDSL and SHDSL services". Renucci teaches providing other forms of DSL technology, such as HDSL, VDSL, SDSL, and

Art Unit: 2642

ADSL. Thus, having the DSLAM providing VoDSL and SHDSL would have been obvious and well known in the art, since using different forms of DSL technology will add versatility.

Regarding claim 9, Renucci teaches the DSLAM provides VDSL service (see col. 6, lines 55-60).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable King in view of Renucci and further in view of Voit et al (US PAT # 6,829,250).

Regarding claim 5, neither King nor Renucci alone or in combination teach the DSLAM provides ADSL service over a shared line".

However, Voit teaches the use of an ATU-R type ADSL modem 203. This 203 modem modulates the upstream data and transmits appropriate signals over the line 300.sub.1 or 300.sub.2 to the corresponding modem 113.sub.1 or 113.sub.2 in the CO 100 (FIG. 14). The ATU-R interface may support bridging, such that multiple users can share the ADSL modem 203, for two-way data communication through the CO 100 (see col. 3, lines 55-58 and Figs. 14 and 15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of sharing ADSL line among

Art Unit: 2642

users, as taught by Voit, into the combination of King and Renucci because sharing is economical.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rajakarunanayake (US PAT # 6,657,994) teaches systems and methods for providing uninterrupted transfer of voice telephony provided by a first service provider to a derived voice technology over a digital subscriber line provided by a second service provider are disclosed. The system generally comprises a first telephone line configured to connect to a first and a second voice switch of the first and second service providers, respectively, having a same assigned telephone number and a derived voice customer premise equipment configured to connect to the first and second telephone lines and to selectively connect a telephone to the second voice switch (see abstract).

Witty et al (US PAT # 6,782,097) teaches a splitter device for MDU/MTU environments (see col. 1, lines 13-21 and col. 2, lines 53-59).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571)

272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, enclosed within a large, hand-drawn oval. The signature appears to be 'Rasha S. Al-Aubaidi'.

Examiner Rasha S. Al-Aubaidi
Art Unit 2642
04/14/2005